

REMARKS/ARGUMENTS

Applicants appreciate the thorough examination of the present application, as evidenced by the first Official Action. The Official Action rejects Claims 1, 2, 6, 12-14, 23, 24, 33 and 34 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,228,425 to Staring et al. The Official Action rejects Claims 3-5, 15-17, 25-27 and 35-37 under 35 U.S.C. § 103(a) as being unpatentable over Staring, in view of U.S. Patent Application Publication No. 2004/0133794 to Kocher et al., alone or further in view of U.S. Patent Application Publication No. 2002/0152262 to Arkin et al. The Official Action then rejects the remaining claims, namely Claims 7-11, 18-22, 28-32 and 38-42, as being unpatentable over Staring, in view of U.S. Patent No. 6,278,678 to Iida, and further in view of Kocher. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from Staring, Kocher and Arkin, taken individually or in any proper combination. Nonetheless, Applicants have amended various ones of the claims to further clarify the claimed invention, including adding new Claims 43-46 to recite further patentable aspects. In view of the amendments to the claims and the remarks presented herein, Applicants respectfully request reconsideration and allowance of all of the pending claims of the present application.

A. Claims 1, 2, 6, 12-14, 23, 24, 33 and 34 are Patentable

The Official Action rejects Claims 1, 2, 6, 12-14, 23, 24, 33 and 34 as being anticipated by Staring. According to one aspect of the claimed invention, as reflected for example by amended independent Claim 1, a system is provided that includes an apparatus, and first and second network entities. As recited, the apparatus is configured to receive content and store the content in memory. The first network entity is configured to operate a download manager that is configured to add padding data to the content received by the apparatus. In this regard, the padding data comprises a series of null bit values, and the content and padding data form aggregate content having a size greater than a size of the received content. The second network entity, then, is configured to operate a file manager that is configured to access the aggregate content from memory of the apparatus, and thereafter extract the received content from the aggregate content upon request for the received content.

In contrast to amended independent Claim 1, Staring (as well as Kocher and Arkin) does not teach or suggest a system for protecting content including adding a series of null bit values to content received and stored by an apparatus to thereby form aggregate content, from which the content is thereafter extracted. One may argue that Staring discloses adding random data bits to a data set to increase the size of that data set. Even considering this disclosure, however, Staring still does not teach or suggest adding a series of null bit values, as per amended independent Claim 1.

Moreover, and particularly with respect to dependent Claim 12, Applicants note that by its dependency to independent Claim 7, dependent Claim 12 recites modifying a file allocation table entry. On page 5, however, the first Official Action concedes that Staring fails to teach or suggest this feature of independent Claim 7. Logically, then, Applicants respectfully submit that Staring fails to anticipate dependent Claim 12 for at least the same reasons that Staring fails to anticipate independent Claim 7, from which Claim 12 depends.

Applicants therefore respectfully submit that amended independent Claim 1, and by dependency Claims 2-6, is patentably distinct from Staring. Applicants also respectfully submit that amended independent Claims 13, 23 and 33 recite subject matter similar to that of amended independent Claim 1, including the aforementioned adding a series of null bit values to content feature. As such, Applicants respectfully submit that amended independent Claims 13, 23 and 33, and by dependency Claims 14-17, 24-27 and 34-37, are also patentably distinct from Staring for at least the reasons given above with respect to amended independent Claim 1.

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 1, 2, 6, 12-14, 23, 24, 33 and 34 as being anticipated by Staring is overcome.

B. Claims 3, 5, 15, 17, 25, 27, 35 and 37 are Patentable

The Official Action rejects Claims 3, 5, 15, 17, 25, 27, 35 and 37 as being unpatentable over Staring, in view of Kocher. As explained above, amended independent Claims 1, 13, 23 and 33, and by dependency Claims 2-6, 14-17, 24-27 and 34-37, are patentably distinct from Staring. Applicants respectfully submit that Kocher does not cure the deficiencies of Staring. That is, even considering Kocher, neither Staring nor Kocher, taken individually or in any proper

combination, teach or suggest the aforementioned adding a series of null bit values to content feature, as per amended independent Claims 1, 13, 23 and 33. Applicants therefore respectfully submit that amended independent Claims 1, 13, 23 and 33, and by dependency Claims 2-6, 14-17, 24-27 and 34-37, are patentably distinct from Staring, in view of Kocher.

For at least the foregoing reasons, Applicants submit that the rejection of Claims 3, 5, 15, 17, 25, 27, 35 and 37 as being unpatentable over Staring, in view of Kocher, is overcome.

C. Claims 4, 16, 26 and 36 are Patentable

The Official Action rejects Claims 4, 16, 26 and 36 as being unpatentable over Staring, in view of Kocher and Arkin. As explained above, amended independent Claims 1, 13, 23 and 33, and by dependency Claims 2-6, 14-17, 24-27 and 34-37, are patentably distinct from Staring. Applicants respectfully submit that neither Kocher nor Arkin cures the deficiencies of Staring. That is, even considering Kocher and Arkin, none of Staring, Kocher or Arkin, taken individually or in any proper combination, teach or suggest the aforementioned adding a series of null bit values to content feature, as per amended independent Claims 1, 13, 23 and 33. Applicants therefore respectfully submit that amended independent Claims 1, 13, 23 and 33, and by dependency Claims 2-6, 14-17, 24-27 and 34-37, are patentably distinct from Staring, in view of Kocher and Arkin.

For at least the foregoing reasons, Applicants submit that the rejection of Claims 4, 16, 26 and 36 as being unpatentable over Staring, in view of Kocher and Arkin, is overcome.

D. Claims 7-11, 18-22, 28-32 and 38-42 are Patentable

The Official Action rejects Claims 7-11, 18-22, 28-32 and 38-42, as being unpatentable over Staring, in view of Iida and Kocher. According to a second aspect of the present invention, as reflected by amended independent Claim 7 for example, a system is provided that includes an apparatus, and first and second network entities. The apparatus is configured to receive content and store the content in memory. The first network entity is configured to operate a download manager that is configured to modify a file allocation table (FAT) entry of content stored by the apparatus to thereby increase a perceived size of the content. The second network entity, then, is

configured to operate a file manager that, upon request for the received content, is configured to extract the entry of the received content from the modified file allocation table entry, and thereafter assemble the received content from the file allocation table entry of the received content.

In contrast to amended independent Claim 7, none of Staring, Iida or Kocher, taken individually or in any proper combination, teach or suggest a system for protecting content including modifying a file allocation table entry of content stored by the apparatus to thereby increase a perceived size of the content. The Official Action concedes that Staring does not teach or suggest this feature, but alleges that Iida, and that one skilled in the art would have been motivated to modify Staring per Iida to teach the claimed invention. Applicants respectfully disagree, however, and submit that like Staring, Iida (as well as Kocher) also does not teach or suggest the aforementioned file allocation table entry modification feature.

Briefly, Iida discloses a system and method for dividing a data file, which includes changing a cluster link and directory entry of a FAT. Even if one could argue (albeit incorrectly) that this disclosure of Iida corresponds to a modification of a FAT entry of content, however, Iida still does not teach or suggest modifying the FAT entry to thereby increase the perceived size of the content, similar to amended independent Claim 7. Instead, Iida clearly discloses modifying the FAT entry to effectuate division of a data file.

Applicants therefore respectfully submit that amended independent Claim 7, and by dependency Claims 8-12 and 43, is patentably distinct from Staring, Iida and Kocher, taken individually or in any proper combination. Applicants also respectfully submit that amended independent Claims 18, 28 and 38 recite subject matter similar to that of amended independent Claim 1, including the aforementioned modifying a file allocation table entry feature. As such, Applicants respectfully submit that amended independent Claims 18, 28 and 38, and by dependency Claims 19-22, 29-32, 39-42 and 44-46, are also patentably distinct from Staring, Iida and Kocher, taken individually or in any proper combination, for at least the reasons given above with respect to amended independent Claim 7.

Application No.: 10/701,087
Amendment Dated April 16, 2008
Reply to Official Action of January 17, 2008

For at least the foregoing reasons, Applicants respectfully submit that the rejection of Claims 7-11, 18-22, 28-32 and 38-42 as being unpatentable over Staring, in view of Iida and Kocher is overcome.

Application No.: 10/701,087
Amendment Dated April 16, 2008
Reply to Official Action of January 17, 2008

CONCLUSION

In view of the amendments to the claims, and the remarks presented herein, Applicants respectfully submit that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicants' undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,


Andrew T. Spence
Registration No. 45,699

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111
LEGAL02/30746394v1

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON APRIL 16, 2008.